

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-10
(September 27, 1996)

**Membership on Regional Board of
State Historical Society**

Issue

May a judge accept a position on the board of directors of either the Arizona Historical Society or its southern division?

Answer: Yes.

Facts

A judge has been invited to apply for a position on the board of directors of the Southern Arizona Division of the Arizona Historical Society as a representative of a county located within the board's geographical district. The society was established by A.R.S. § 41-821, *et seq.* The purposes of the society, which are set forth in A.R.S. § 41-823A, include historical and educational activities.

The society's board of directors and officers are elected by its members, pursuant to its bylaws. It holds and administers property for the "the benefit of the state and use of the society" and is funded in large part by legislative appropriations.

The southern division was organized pursuant to A.R.S. § 41-821H and is administered by a board of directors which includes representatives from the various counties within its geographic territory.

Discussion

Canon 4C(2) of the Code of Judicial Conduct provides specifically that "[a] judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice." In addition, the canon expressly provides that "[a] judge may, however, represent a country, state or locality on ceremonial occasions or in connection with historical, educational or cultural activities."

The Arizona Historical Society is a non-profit organization created specifically for historical, educational and cultural purposes by the legislature. The purposes of the organization are of a nature specifically authorized by the second sentence of Canon 4C(2). Consequently, the committee is of the opinion that the canon does not preclude service by a judge on the board of the society or its southern division.

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A judge should keep in mind, however, the provisions of the commentary to Canon 4C(2) which provide that accepting extra-judicial assignments should be assessed in light of the demands on judicial resources and the need to avoid extra-judicial matters that may prove to be controversial. Moreover, judges should not accept governmental appointments that are likely to interfere with the effectiveness and independence of the judiciary. Finally, a judge should comply with the limitations imposed by Canon 4C(4) subparagraphs (a), (b) and (c).

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 4C(2) and 4C(4)(a)(b) and (c) (1993).

Other References

Arizona Revised Statutes §§ 41-821, 41-821H, and 41-823A.